

REMARKS

In the Office action dated August 17, 2009, the Examiner restricted the claims in to the following groups:

- Group I: Claims 1-11 drawn to a topical delivery system comprising a Gemini surfactant in admixture with biological active agent
- Group II: Claims 20-22, drawn to a method for treatment of a skin disorder comprising topically delivering a delivery system comprising a Gemini surfactant in admixture with a biological active agent
- Group III: Claims 23, drawn to a method for treatment of a metabolic disease comprising topically delivering a delivery system comprising a Gemini surfactant in admixture with a biological active agent

In response, Applicants elect Group I, claims 1-11, without traverse. Non-elected claims 20-23 are placed in withdrawn status. It's the Applicants' understanding that claims 20-23 are entitled to rejoinder upon a finding of allowability of product claims 1-11, provided claims 20-23 require all the limitations of the allowed product claims.

Upon election of Group I, the Examiner also requires an election of species. In response, Applicants elect the following species to initiate examination:

1. a gemini cationic surfactant
2. a cream
3. DOPE

For the record, Applicant notes that the second species election between (a) a cream, (b) a lotion, (c) a paste, (d) an ointment, (e) a foam, (f) a gel, (g) a lipid formulation, (h) an emulsion, (i) a solution, and (j) a suspension are arbitrary and not necessarily distinct. For example, a cream can be an emulsion or a suspension. For example, a gel can be a solution, an emulsion, or a suspension. Because of the overlap in some of the species, it is not in all cases technically correct to assert that the listing of (a)-(j) are each separate, distinct species.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (650) 590-0734.

Respectfully submitted,
King & Spalding LLP

/Judy Mohr/

Date: September 16, 2009

Judy M. Mohr
Registration No. 38,563

Correspondence Address:
Customer No. 79975